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PTO/SB/31 (07-08)

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional)	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>10-10-2006</u> Signature <u>N. Nassief</u> Typed or printed name <u>NIDA NASSIEF</u>		In re Application of Application Number <u>02/941,564</u> Filed <u>09/04/2001</u> For Art Unit <u>1623</u> Examiner <u>Patrick T Lewis</u>	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 500</u> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u> </u> . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the <input checked="" type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06) <input type="checkbox"/> attorney or agent of record. Registration number <u> </u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u> </u> NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> Total of <u>2</u> forms are submitted. <u>credit card payment will arrive by mail</u>			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Fax No.: + 571-273-8300

My Reference: Patent Application Number: 09/944,564

re send :
correction of time & date
for proper record
Fax letter

Date: October 10, 2006
Total number of pages: 10
Annexes will be sent by mail

Notice of Appeal From the Examiner to the Board of Appeal and Interferences
Submitted in
Response to Office Action dated 07/11/2006 (Final Rejection)

Dear Sir:

In response to the above-identified final rejection of my patent application claims 25-27, may I kindly submit the following response:

- 1- By submitting a Notice of Appeal From the Examiner to the Board of Appeal and Interferences [Form: PTO/SB/31 (07-06)].
- 2- Payment by Credit Card. Form PTO-2038 is attached.
- 3- Objection to the Examiner decision by submitting further evidence from medical textbooks clarifying the point of dispute with the examiner; in relation to the definition of asthma and asthmatic bronchitis, and differentiating them as unrelated separate medical entities, thus rendering my claims in the use of glycoposphopeptical in the treatment of asthma patentable and valid.
- 4- Amendment of claim 25, currently reads as "25. (New) A pharmaceutical composition consisting essentially of glycoposphopeptical for oral administration for the treatment of allergy and asthma in dosage and duration which is effective to....etc"; may I kindly request separation of the use of glycoposphopeptical in the treatment of allergy from its use in the treatment of asthma. Discussion of the use in the treatment of allergy are part of the response to Office Action dated

Detailed response will follow.

Thank you for considering my appeal.

Best regards

The Inventor
Nida Nasif